

"DEATH LOOP" STARTLES SUPREME COURT JUDGES. ONE RIDER GOES MAD, FOUR ARE MADE TO QUIT.

The Supreme Court Judges are keenly aware of the menace to life and limb if the "Death Loop" were constructed by the trolley lines.

"A careless employe could kill lots of people," exclaims one.

"And how can people get to the waiting rooms, as shown on the plans, without crossing all four tracks?" asks another.

"The waiting rooms are nearer to Brooklyn than the loop, and how are the people to get across in safety?" queries a third.



Bridge Trustees' Lawyer Undergoes a Sharp Quiz in the Appellate Division.

The Journal's injunction against the construction of the "Death Loop" at the New York end of the Bridge came up yesterday, on an appeal by the Bridge Trustees, before the Appellate Division of the Supreme Court, and notable remarks were drawn forth from the judges during the hearing by the statement of the trustees' case.

"Why, a careless employe could kill lots of people!" exclaimed Justice Patterson.

"And how can people get to the waiting rooms, as shown on these plans, without crossing all four tracks?" asked Presiding Judge Van Brunt.

"But they want all need to cross the tracks. They can take stairways"—began the attorney, embarrassed at the unexpected questioning.

"I suppose they want cross the tracks unless they want to get run over," was the dry response from the bench.

The Bridge Trustees made a strong effort, yesterday, to obtain the setting aside of the injunction secured by the Journal, the injunction being first granted by Justice Giegerich, on November 12, and continued by Justice Andrews on November 23. The trustees' appeal came up before Presiding Justice Van Brunt, and Justices Ingraham, Patterson, Williams and O'Brien, B. F. Elstein and Felix H. Levy, of Elstein & Townsend, appeared for the Journal, and James C. Bergen for the Bridge Trustees.

The opening argument was by Mr. Bergen and the sharp questionings of the Judge disconcerted him at times.

"These cars will all be brought to a standstill to unload their passengers before they round the curve where the people cross the tracks. Signals will be given to control the alternate movements of the people and the cars. No people will cross when the cars are passing, and no cars will round the four parallel curves when the people are crossing the tracks."

Then it was that the sharp questioning of the Judges began.

"The waiting room, according to the plans, are nearer to Brooklyn than the loop are; how are the people to get across safely?" demanded Judge Van Brunt, while Judge Patterson added his striking remark regarding the probability of careless employes killing many people.

"But the gates will prevent that!" exclaimed Mr. Bergen.

"What gates?" inquired several judges in unison. "There are no gates shown on the plans that you have submitted."

Mr. Bergen claimed that entire power was vested in the Bridge trustees to adopt what plans they chose.

"Even if their plans are not the best plans, there is nothing in law to prevent them from adopting what they choose," he said. "The trustees have the whole power. They may devise what they wish."

The argument for the Journal was made by Mr. Elstein, who began by quoting from various sections of the law, that ordain that the Bridge shall "at all times be a safe highway" between the two cities, and making it the duty of the trustees in control of the Bridge to establish such regulations as would secure the safety. He showed that every law made in regard to the Bridge has contained that provision about the safety of those who travel upon it.

In addition to the great danger involved in crossing the four parallel tracks, and especially at the crucial hours of morning, he called attention to the enormous inconvenience involved in the proposed blockading of great crowds for the passage of the trolley cars. The plan of the trustees is to have the crowds halted every forty-five seconds.

He closed by calling the attention of the court to the fact that Justice Andrews, before granting the injunction from which this appeal was made, personally examined the location of the proposed parallel tracks, and went to the Bridge at both the morning and evening rush hours to inspect the action and handling of the crowds, and that it was this that so fully impressed the danger of the proposed loop upon Justice Andrews's mind.

The court will announce its decision later.

JOURNAL'S CLAIM UPHELD

Decision Against the Kingsbridge Grab, which is Parallel with the Brooklyn Trolley Scheme.

The Appellate Division of the Supreme Court yesterday rendered a decision in support of the public in the fight against the general franchise grabbing which various street car lines have been trying to rush through before the consolidation of Greater New York. This decision is of special im-

Appellate Bench Hearing the Journal Injunction Case. MORGAN J. O'BRIEN, CHIEF JUSTICE VAN BRUNT. P. G. WILLIAMS. E. PATTERSON. G. L. INGRAHAM.

HILL'S CLAIMS SUSTAINED.

Appellate Division of the Supreme Court Follows Them in the Kingsbridge Franchise Decision.

THE Appellate Division of the Supreme Court yesterday rendered a decision against the granting of permanent franchises for the use of public streets that is exactly in line with the stand made by the Journal in its injunction to prevent the free grant of franchise privileges of enormous value, in perpetuity, to the Brooklyn trolley companies. The decision of yesterday is therefore looked upon as a sure indication that the Journal's fight to save the Brooklyn streets to the public will be successful.

The decision of yesterday was in the case of a Kingsbridge taxpayer, who had brought injunction proceedings to restrain the New York Board of Aldermen from granting a permanent franchise in the Kingsbridge streets to the Third Avenue Railway Company. The points made in the decision were parallel to those made by former Senator Hill, counsel for the Journal in its Brooklyn fight.

KINGSBRIDGE DECISION.

That the intent of the Legislature must rule.

That it was the evident intention that certain sections of the Greater New York charter should go into effect prior to January 1, 1898.

For many years efforts have been made to get compensation for the public for the granting of street franchises. The charter was meant to secure that end.

The act reads that on and after its approval no permanent franchise could be granted. It was approved May 4, 1897. The intent is absolutely plain.

But the act reads that no franchise shall be granted by the "Municipal Assembly," and the contention is made that as the "Municipal Assembly" does not come into effect until January 1, 1898, there is no check on franchise granting until that time. But such a literal construction is absurd.

Courts will not give effect to single words or phrases if inconsistent with the general intent of a law.

It is quite clear that the words, "municipal assembly," were not meant to be in the act, for that would mean that acts, after Mr. distinctively forbade the doing of certain acts, after May 4, 1897, by a body that would not come into existence until the following January 1.

It is clear that it was the intent to have the section regarding permanent franchises go into effect when the act became a law, by receiving the Governor's signature. And that was on May 4.

Permanent franchises cannot, therefore, be legally granted within the limits of Greater New York.

MR. HILL'S ARGUMENT.

No matter who suffer, whether the public or the corporations, the law, in its broad intent must rule.

Many strong attempts to stop the gift of valuable franchises have been made, and in the Greater New York charter the attempt was astutely renewed.

It is an absurdity to maintain that eight months were deliberately allowed in which the streets were to be thrown open to franchise grabbers.

It cannot be maintained that in one clause the charter makers forbade permanent franchise gifts, and in another deliberately nullified their own action by the words "municipal assembly."

The act reads plainly that the important clause must take effect when the charter became a law. That was on May 4, 1897.

The act declares that no permanent franchise shall be granted by the "Municipal Assembly." There is no "Municipal Assembly" in existence, and the words are therefore surplusage.

It cannot be said that the makers of the law intended to start the great reform eight months after it was too late.

The words "Municipal Assembly" must be stricken from the law, for to leave them in makes the law a self-contradictory absurdity. Strike out those words, and the plain intent of the law-makers remains.

Therefore, no grant of street franchises, in perpetuity, later than May 4 last, can be legal.

portance because it upholds the very points that have been maintained by the Journal in its great fight to preserve to the public the enormously valuable trolley franchises of Brooklyn.

Yesterday's decision was in the case of Leopold Gusthal, a Kingsbridge citizen, to enjoin the Aldermen from making a gift to the Third Avenue car line of the Kingsbridge road franchise in perpetuity.

A temporary injunction was secured on September 27 from Judge Lawrence, of the Supreme Court, and the matter came up on appeal two weeks ago.

The franchise grabbers have claimed that permanent franchises could be granted up to the time the charter goes into effect, January 1, 1898.

The decision of the Appellate Division handed down yesterday declares:

"It is remarkable, to say the least, that the Board of Aldermen should persist in the effort to exercise their doubtful right, in the face of opposition, when the effect of said exercise would be to deprive the city of the great privilege of limiting future franchise grants, and to burden it with permanent grants. It is difficult to assign any good reason for this."

The unanimous judgment of the Court was that the injunction against the granting of the permanent franchise be sustained.

Albany, N. Y., Dec. 10.—Confident in the belief that the Journal would be successful in its action brought to prevent the

Brooklyn aldermen making a gift of a \$15,000,000 trolley franchise grab, ex-Senator David B. Hill returned to Albany to-night from New York, whence he had gone on the Journal's resister in behalf of the people to argue for an injunction permanently restraining the giving away of the Brooklyn franchises.

Senator Hill had heard of the decision in the Kingsbridge road franchise action and obtained a copy of the opinion of the Appellate Division of the Supreme Court. "The decision of the Court in the Kingsbridge road case," said Senator Hill, "is another assurance that the courts will make permanent the Journal's injunction, which stops the grant of franchises for trolley roads on forty miles of streets in Brooklyn."

Rivierre Falls from His Wheel Insane, Police Surgeons Stop the Torture of the Others.

By Jimmy Michael.

The events I promised are beginning to take place. The men who are in the lead are taking advantage of the fatigue of each other, and the score board is changing slightly every hour. Such energy as has been called into play is showing in all its good and bad phases.

Miller and Rice, with Little Schinner, wheeling into line at a great clip, are doing wonderful things, but there is a condition that will stand some study. I watched Miller carefully as he came and went to and from the track. He has reached the more automatic stage, when his movements are purely mechanical.

When he retired from the track he acted like a man who regretted that he was obliged to move naturally. Walking and ordinary motions troubled him. His whole body swayed and staggered as he was led down to his quarters. His rest was not all that could be desired. But it was rest, nevertheless, and he needed it. The repose was necessarily brief, and on his return to the oval he still showed that uncertainty of motion that is only seen in a weary and almost exhausted man. His wheel was placed before him and the trainers had to half lift, half urge him into the saddle. The instant his feet got settled in the pedals Miller, the rider, Miller, the bulldog, came into view. A push from his handlers and in another instant the hardy German was on the go again, whirling along in a perfectly unattractive and wide-awake to the surroundings.

A Demon in the Saddle.

He is one of the most marvelous men I ever saw on a track. Out of the saddle on the fifth day he is a worn and tired man; in the saddle, he is a demon. That is the automatic man working in unison with his entire machinery.

The courageous Rice acts very much the same way, with the added weight of being the second man. It is a terrible thing for any good rider to be second. It is bad enough to be number two in a spurt event, but to trail along in that position for six days, following a cyclone, is simply awful. Heart is the thing to have in a long distance race, and Rice has got it. The only difference between Rice and Miller is that the former gives voice to his feelings and

SCORE AT 12:15 A. M.

Official Number.	Miles.	Laps.
7. Miller	1882	8
2. Rice	1792	8
5. Schinner	1776	0
1. Hale	1687	8
20. Waller	1668	0
21. Pierce	1624	4
26. Elkes	1535	5
25. Golden	1519	8
29. Enterman	1501	6
33. Gannon	1499	2
28. Kinz	1423	3
10. Julius	1309	3
15. Beacom	946	5
30. Gray	912	0
23. Johnson	893	4

Miller swallows his.

Schinner is showing stronger all the time, and is mounting up to the head of the list with great rapidity. I like that boy's style. The audience does not seem to have caught on to him yet. But before sunset to-night there will be yells of "Schinner!" in the air. His head and his limbs are all right yet, and he walks when off his wheel like a vigorous man.

I look for some men to come off the track to-day. It is too bad, under the circumstances, but they are long behind and cannot possibly do themselves any good. Some of them have faces the color of a full dust pan.

Sprinting More Exhausting.

I am of the opinion that all this noise about vitality is all bosh. I have had some experience myself in bicycle riding, and I can tell you that a short sensational burst of speed such as short distance record breakers display is more exhausting to the muscular system than a long distance race. A man who makes a mile in less than 1:50 is ripping his vitality rightfully and tearing out his heart almost, and the distress is momentary, while in the six-day race the loss of sleep and the slow fatigue tell in a different way, of course.

It is no prime at any mark in the road, but the terrors are fiction. I never knew a long distance man who ever died from the strain, not one who was injured organically. Work is work, and it wears a man out, and six days' work will bring a man down good and proper, and it will take him some time to get in good shape again. If you sit up at the bedside of a sick friend and worry over him for a week you will think you have been the patient yourself.

Rivierre was carried from the building at 10 o'clock, his left knee being so bad that he could not bend it. He is surely out of the race, but, like Moore, his score will stand until beaten.

RIVIERRE GOES MAD AND IS SENT AWAY.

The Frenchman Collapsed and Fell from His Wheel—Doctors Stopped His Resuming.

In the days of the contests in the great arena at Rome, when a gladiator was

THE FACES OF THE LEADERS AFTER FIVE DAYS IN THE BICYCLE RACE.

